

## CHAPTER XLII. ✓

## PROVISIONS AS TO BONDS.

Deposit  
instead of  
recognizance.

**513.** When any person is required by any Court or officer to execute a bond with or without sureties, such Court or officer may, except in the case of a bond for good behaviour, permit him to deposit a sum of money or Government promissory notes to such amount as the Court or officer may fix, in lieu of executing such bond.

Procedure on  
forfeiture of  
bond.

**514.** (1) Whenever it is proved to the satisfaction of the Court by which a bond under this Code has been taken, or of the Court of a Presidency Magistrate or Magistrate of the first class.

or, when the bond is for appearance before a Court, to the satisfaction of such Court,

that such bond has been forfeited, the Court shall record the grounds of such proof, and may call upon any person bound by such bond to pay the penalty thereof, or to show cause why it should not be paid.

(2) If sufficient cause is not shown and the penalty is not paid, the Court may proceed to recover the same by issuing a warrant for the attachment and sale of the moveable property belonging to such person or his estate if he be dead.

(3) Such warrant may be executed within the local limits of the jurisdiction of the Court which issued it ; and it shall authorize the [attachment] and sale of any moveable property belonging to such person without such limits, when endorsed by the District Magistrate or Chief Presidency Magistrate within the local limits of whose jurisdiction such property is found.

(4) If such penalty is not paid and cannot be recovered by such attachment and sale, the person so bound shall be liable, by order of the Court which issued the warrant, to imprisonment in the civil jail for a term which may extend to six months.

(5) The Court may, at its discretion, remit any portion of the penalty mentioned and enforce payment in part only.

(6) Where a surety to a bond dies before the bond is forfeited, his estate shall be discharged from all liability in respect of the bond 2\* \* \*

<sup>3</sup>[(7) When any person who has furnished security under section 106 or section 118 or section 562 is convicted of an offence the commission of which constitutes a breach of the conditions of his bond, or of a bond executed in lieu of his bond under section 514B, a certified copy of the judgment of the Court by which he was convicted of such offence may be used as evidence in proceedings under this section against his surety or sureties, and, if such certified copy is so used, the Court shall presume that such offence was committed by him unless the contrary is proved.]

<sup>1</sup> Substituted by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 139, for "distress".

<sup>2</sup> The words " but the party who gave the bond may be required to find a new surety " rep. by s. 139, *ibid.*

<sup>3</sup> Inserted by s. 139, *ibid.*

<sup>1</sup>[514A. When any surety to a bond under this Code becomes insolvent or dies, Procedure or when any bond is forfeited under the provisions of section 514, the Court by whose order such bond was taken, or a Presidency Magistrate or Magistrate of the first class, may order the person from whom such security was demanded to furnish fresh security in accordance with the directions of the original order, and if such security is not furnished, such Court or Magistrate may proceed as if there had been a default in complying with such original order. in case of insolvency of surety or when a bond is forfeited.

514B. When the person required by any Court or officer to execute a bond is a minor, such Court or officer may accept, in lieu thereof, a bond executed by a surety or sureties only. Bond required from a minor.

515. All orders passed under section 514 by any Magistrate other than a Presidency Magistrate or District Magistrate, shall be appealable to the District Magistrate, or, if not so appealed, may be revised by him. Appeal from, and revision of, orders under section 514.

<sup>2</sup>[515. All orders passed under section 514 by an Executive Magistrate other than the District Magistrate shall be appealable to the District Magistrate and by a Judicial Magistrate other than a Presidency Magistrate to the Sessions Judge and if no appeal is made against such orders they may be revised in the case of the orders passed by an Executive Magistrate by the District Magistrate and in the case of the orders passed by a Judicial Magistrate by the Sessions Judge.] Appeal from, and revision of, orders under section 514.

516. The High Court or Court of Session may direct any Magistrate to levy the amount due on a bond to appear and attend at such High Court or Court of Session. Power to direct levy of amount due on certain recognizances.

### <sup>3</sup>[CHAPTER XLIIA.

*Of Costs to be paid by the Complainant or Informant.*

516AA. (1) If in any case instituted upon complaint or upon information given to a Police Officer or to a Magistrate the accused is ordered to be discharged or acquitted by any court (including a Court of appeal or revision) or if in any such case the proceedings are quashed by the High Court by an order made under section 561A and if such Court is of the opinion that the complaint was made or the information was given Power to order costs against complainant or informant.

<sup>1</sup> Inserted by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 140.

<sup>2</sup> Substituted by Bom. 23 of 1951, s. 2 and Sch. Pt. I, for the original s. 515.

<sup>3</sup> Chap. XLIIA was inserted by Bom. 46 of 1948, s. 2.

without any reasonable and probable cause, it may, at the time of making such order, if the complainant or informant is present, call upon him forthwith to show cause why he should not be ordered to pay costs to such person; or if the complainant or informant is not present, direct the issue of a notice to him to appear and show cause as aforesaid.

(2) The Court shall record and consider any cause which such complainant or informant may show and may make an order directing him to pay the whole or any part of such costs. Such costs may include any expenses incurred in respect of witnesses and of pleader's fees which the Court considers reasonable.

(3) The Court may, by the order directing payment of costs under sub-section (2), further order that in default of payment the person ordered to pay such costs shall suffer simple imprisonment for a period not exceeding thirty days.

(4) When any person is imprisoned under sub-section (3), the provisions of sections 68 and 69 of the Indian Penal Code, shall, so far as may be, apply.

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1860.

(5) No person who has been directed to pay costs by an order made under this section shall, by reason of such order, be exempted from any civil or criminal liability in respect of the complaint made or information given by him.

(6) Where any such order is made by a magistrate and the amount directed to be paid exceeds fifty rupees, the complainant or informant may, within sixty days from the date of the order, appeal against it to the Court of Session.

(7) In cases where the order is appealable under sub-section (6), the costs shall not be paid before

*the period allowed for the presentation of the appeal has elapsed, or, if an appeal is presented, before the appeal has been decided and in other cases the costs shall not be paid before the expiration of one month from the date of the order.]*

## CHAPTER XLIII.

### OF THE DISPOSAL OF PROPERTY.

<sup>1</sup>[516A. When any property regarding which any offence appears to have been committed, or which appears to have been used for the commission of any offence, is produced before any Criminal Court during any inquiry or trial, the Court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the inquiry or trial, and if the property is subject to speedy or natural decay, <sup>2</sup>[or if it is otherwise expedient so to do, the Court ] may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of. ]

*Order for custody and disposal of property pending trial in certain cases.*

517. (1) When an inquiry or a trial in any Criminal Court is concluded, the Court may make such order as it thinks fit for the disposal <sup>3</sup>[by destruction, confiscation, or delivery to any person claiming to be entitled to possession thereof or otherwise] of any property or document produced before it or in its custody or regarding which any offence appears to have committed, or which has been used for the commission of any offence.

*Order for disposal of property regarding which offence committed.*

(2) When a High Court or a Court of Session makes such order and cannot through its own officers conveniently deliver the property to the person entitled thereto, such Court may direct that the order be carried into effect by the District Magistrate.

<sup>4</sup>[(3) When an order is made under this section such order shall not, except where the property is livestock or subject to speedy and natural decay, and save as provided by sub-section (4), be carried out for one month, or, when an appeal is presented, until such appeal has been disposed of.

(4) Nothing in this section shall be deemed to prohibit any Court from delivering any property under the provisions of sub-section (1) to any person claiming to be entitled to the possession thereof, on his executing a bond with or without sureties to the satisfaction of the Court, engaging to restore such property to the Court if the order made under this section is modified or set aside on appeal.]

*Explanation.*—In this section the term “property” includes in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise.

<sup>1</sup> Inserted by Act 18 of 1923, s. 141.

<sup>2</sup> Inserted by Act 26 of 1955, s. 102.

<sup>3</sup> Inserted by Act 18 of 1923, s. 142.

<sup>4</sup> Inserted by s. 142, *ibid.*